

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 RICHARD ZIMBUREAN, et al,

11 Plaintiffs,

12 v.

13 CITIMORTGAGE, INC., et al,

Defendants.

CASE NO. C16-5181-RBL

ORDER GRANTING TIME
EXTENSION

DKT. #20

14 THIS MATTER is before the Court on Pro Se Plaintiffs Richard and Juliana Zimbureans'
15 Motion for an Extension of Time [Dkt. #20]. The Zimbureans ask the Court to grant them a two-
16 week extension, until November 30, 2016, to respond to Defendant CitiMortgage's
17 interrogatories, requests for document production, and requests for admission.

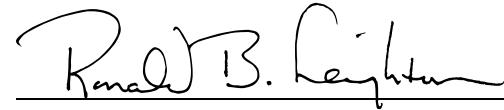
18 The Zimbureans' responses were due November 14, 2016. On November 21, they
19 contacted CitiMortgage's counsel directly, requesting an extension. CitiMortgage agreed to
20 extend the Zimbureans' deadline to respond to CitiMortgage's interrogatories and requests for
21 production until November 30, but claimed the Zimbureans' failure to timely respond to its
22 requests for admission constituted an admission on all statements. *See* Dkt. #21 (CitiMortgage's
23 Objection). The Zimbureans claim they fired their attorney because he did not timely respond to
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1 these discovery requests. *See* Dkt. #23 (Order Approving Stipulation to Withdraw, dated
2 November 30, 2016). They seek this extension given his neglectfulness. CitiMortgage argues the
3 Zimbureans' request is untimely; they cannot demonstrate excusable neglect; and they should
4 ask the court to withdraw their admissions and relieve them from their waiver of their objections,
5 not to extend their time to respond.

6 The Court has discretion to permit additional time to respond to interrogatories, requests
7 for production, and requests for admission. *See* Fed. R. Civ. Pro. 33(b)(2); *see also* Fed. R. Civ.
8 Pro. 34(b)(2)(A); Fed. R. Civ. Pro. 36(a)(3). The Court strongly favors deciding cases on the
9 merits, not technicalities. CitiMortgage told the Zimbureans they could have until November
10 30th to respond to its interrogatories and production requests. They should honor their
11 agreement. The Court also refuses to fault the Zimbureans, who were forced to act on their own
12 behalf even before their attorney withdrew, for his un-timeliness in responding to CitiMortgage's
13 requests for admission. They reached out to CitiMortgage directly within one-week of their
14 missed discovery deadline. A slight delay will not prejudice CitiMortgage. For good cause
15 shown, Plaintiffs' Motion for an Extension of Time [Dkt. #20] is GRANTED. They have until
16 December 5, 2016, to respond to CitiMortgage's interrogatories, requests for production, and
17 requests for admission.

18 IT IS SO ORDERED.

19 Dated this 30th day of November, 2016.

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21 Ronald B. Leighton
22 Ronald B. Leighton
United States District Judge
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